

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SMARTMATIC USA CORPORATION,
SMARTMATIC INTERNATIONAL
CORPORATION, and SMARTMATIC
SERVICES CORPORATION

Plaintiffs,

-V-

DOMINION VOTING SYSTEMS
CORPORATION and DOMINION VOTING
SYSTEMS, INC.,

Defendants.

Civ. 13-05349 (KBF)

**DECLARATION OF GEORGE W. SHUSTER, JR. IN SUPPORT OF
NOTICE OF REMOVAL AND MOTION TO TRANSFER VENUE**

I, GEORGE W. SHUSTER, JR., hereby declare under penalty of perjury as follows:

1. I am a partner at the firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (collectively, “Dominion”) in the above-captioned action. I respectfully submit this Declaration in support of Dominion’s Notice of Removal and Motion to Transfer Venue filed concurrently herewith.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint, filed in *Smartmatic USA Corporation, Smartmatic International Corporation, and Smartmatic Services Corporation v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc.*, Index No. 652308/2013 (N.Y. Sup. Ct.).

3. Attached hereto as Exhibit B is a true and correct copy of Schedule F – Creditors Holding Unsecured Nonpriority Claims, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 18 (Bankr. D. Colo. June 22, 2010).

4. Attached hereto as Exhibit C is a true and correct copy of the Amended Ex Parte Motion for Order to Conduct Rule 2004 Examination of Dominion Voting Systems Corporation and Dominion Voting Systems, Inc., filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 30 (Bankr. D. Colo. Aug. 5, 2010).

5. Attached hereto as Exhibit D is a true and correct copy of the Order Granting Amended Ex Parte Motion for Order to Conduct Rule 2004 Examination of Dominion Voting Systems Corporation and Dominion Voting Systems, Inc., filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 34 (Bankr. D. Colo. Aug. 6, 2010).

6. Attached hereto as Exhibit E is a true and correct copy of Smartmatic Corporation's Motion for Authority and Standing to Prosecute Causes of Action on Behalf of the Debtor or, in the Alternative, for Appointment of a Trustee, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 106 (Bankr. D. Colo. Sept. 21, 2012).

7. Attached hereto as Exhibit F is a true and correct copy of Smartmatic Corporation's Motion for Conversion of Chapter 11 Case to Case Under Chapter 7, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 103 (Bankr. D. Colo. Sept. 21, 2012).

8. Attached hereto as Exhibit G is a true and correct copy of the Order on Motion to Convert and Motion for Authority and Standing, or in the Alternative, for Appointment of Trustee, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 118 (Bankr. D. Colo. Oct. 16, 2012).

9. Attached hereto as Exhibit H is a true and correct copy of the Notice of Appointment of Interim Trustee, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 120 (Bankr. D. Colo. Oct. 17, 2012).

10. Attached hereto as Exhibit I is a true and correct copy of the Trustee's Motion for Approval of Funding Agreement with Smartmatic USA Corporation, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 139 (Bankr. D. Colo. Nov. 14, 2012).

11. Attached hereto as Exhibit J is a true and correct copy of the [Order Approving] Trustee's Motion for Approval of Funding Agreement with Smartmatic USA Corporation, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 150 (Bankr. D. Colo. Dec. 4, 2012).

12. Attached hereto as Exhibit K is a true and correct copy of the Colorado Complaint, filed in *Connolly v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (In re SVS Holdings, Inc.)*, Adv. Pro. No. 12-01757, Docket No. 1 (Bankr. D. Colo. Dec. 7, 2012).

13. Attached hereto as Exhibit L is a true and correct copy of the Motion by Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. to Withdraw the Reference, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 10 (Bankr. D. Colo. Dec. 27, 2012) and the Memorandum of Law in Support of the Motion by Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. to Withdraw the Reference, without exhibits, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 12 (Bankr. D. Colo. Dec. 27, 2012).

14. Attached hereto as Exhibit M is a true and correct copy of the Order, filed in *Connolly v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (In re SVS Holdings, Inc.)*, Case No. 13-00169, Docket No. 14 (D. Colo. June 11, 2013).

15. Attached hereto as Exhibit N is a true and correct copy of the Trial Preparation Conference Order, filed in *Connolly v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (In re SVS Holdings, Inc.)*, Case No. 13-00169, Docket No. 15 (D. Colo. June 20, 2013).

16. Attached hereto as Exhibit O is a true and correct copy of the Motion by Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. to Dismiss the Complaint, without exhibits, filed in *Connolly v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (In re SVS Holdings, Inc.)*, Adv. Pro. No. 12-01757, Docket No. 28 (Bankr. D. Colo. June 19, 2013).

17. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 1, 2013

/s/ George W. Shuster, Jr. _____
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